THE HYDERABAD CONSTITUENT ASSEMBLY (ELECTIONS AND ELECTION PETITIONS) REGULATION, 1359 Fasli.

No. VI of 1359 F.

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*THE HYDERABAD CONSTITUENT ASSEMBLY (ELECTIONS AND ELECTION PETITIONS) REGULATION, 1359 F.

No. VI OF 1359 F.

Whereas, it is expedient to provide for the conditions subject to which persons may be elected to, and may be members of, the Hyderabad Constituent Assembly, for the conduct of elections to the said Assembly and for all matters necessary or incidental thereto, including the final decision of doubts and disputes arising out of such elections;

Now, therefore, in exercise of the authority vested in me for the administration of the Hyderabad State, and of all other powers enabling me in that behalf, I make the following Regulation:—

PRELIMINARY.

1. (1) This Regulation may be called the Hyderabad Constituent Assembly (Elections and Election Petitions) Regulation, 1359 F. **Short title, extent and commencement.**

(2) It shall extend to the whole of the Hyderabad State and shall come into force from the date of its publication in the Jarida.

2. (1) In this Regulation unless there is anything repugnant in the subject or context— **Definitions, etc.**

(*a*) "Assembly" means the Hyderabad Constituent Assembly;

(*b*) "corrupt practice" means, any act deemed to be a corrupt practice under the provisions of Schedule V;

(*c*) "Harijan" means a member of a caste specified in Part I of Schedule II;

(*d*) "prescribed" means prescribed by rules made under section 10;

(*e*) "reserved seat" means a seat required to be filled by a member of the minority community specified in that behalf in Schedule I, that is to say, by a member of the Muslim community, a Harijan, or a tribal, as the case may be;

(*f*) "tribal" means a member of a tribe specified in Part II of Schedule II;

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(*g*) "Tribunal" means a Tribunal appointed under Chapter V.

(2) An expression used in this Regulation and not defined therein but defined in the Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 F., (hereinafter in this sub-section referred to as the said Regulation) shall unless there is anything repugnant in the subject or context have in this Regulation the meaning assigned to it in the said Regulation.

(3) Any provision of this Regulation which requires a sum of money to be deposited shall be deemed to require the deposit to be made:—

(*i*) in cash, or

(*ii*) in promissory notes of the Government of Hyderabad of equal value at the market rate of the day and endorsed in favour of the Controller-General of Audit and Accounts, Hyderabad.

CHAPTER I.

Composition of Assembly and Constituencies.

Composition of Assembly; constituencies; reserved seats.

3. (1) The Assembly shall consist of 200 members elected by the constituencies specified in Schedule I being the constituencies delimited under sub-section (1) of section 3 of the Hyderabad Constituent Assembly (Revision and Publication of Electoral Rolls) Regulation, 1358 Fasli.

(2) The number of members to be elected by each constituency, the number, if any, of the seats assigned to a constituency which shall, subject to sub-sections (3) and (4), be reserved seats, and the community for which each reserved seat is reserved, shall be as specified in Schedule I in respect of each constituency.

(3) For the purpose of a by-election in a plural member constituency in which one or more seats are reserved seats, a seat shall not be reserved unless the number of Muslim, Harijan or tribal members, as the case may be, already representing the constituency is less than the number of seats reserved for the community concerned and if such number is less, seats shall be reserved to the extent only of the deficiency.

(4) If in an election in a constituency in which one or more seats are reserved seats the number of Muslim, Harijan or tribal candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the times specified in sub-section (9) of section 6 is less than the number of seats reserved for the community concerned the number of seats reserved for that community shall be reduced to the extent of the deficiency.

(5) All the members elected by a constituency, including the members elected to fill reserved seats, shall be elected by the whole of the electorate for the constituency.

CHAPTER II.

QUALIFICATIONS FOR ELECTION.

General Qualifications for election.

4. (1) A person shall be disqualified for election as a member of the Assembly if such person—

(*a*) is under 25 years of age, or

(*b*) holds any office of profit under the Government of Hyderabad or any other Government, not being an office declared by order of the Government of Hyderabad not to disqualify its holder; or

(*c*) has acknowledged allegiance or adhered to any State other than Hyderabad or the Union of India or has by any voluntary act become a subject or citizen of any such State; or

(*d*) has been adjudged by a competent Court to be of unsound mind; or

(*e*) is an undischarged insolvent.

Explanation.—For the purposes of clause (*b*) a person, not being in the permanent service of a Government, shall not be deemed to hold an office of profit under a Government by reason only that he is a Minister.

(2) A person against whom a conviction by a criminal court in the Hyderabad State, India or Pakistan involving a substantive sentence of transportation or imprisonment for a period exceeding two years is subsisting shall be disqualified for election for a period of five years from the date of the expiration of the sentence;

(3) If any person is convicted of an offence under Chapter IX-A of the Hyderabad Penal Code punishable with imprisonment exceeding six months or is after inquiry by a Tribunal reported as guilty of a corrupt practice specified in Part I or in paragraph 1, 2 or 3 of Part II of Schedule V, such person shall be disqualified for election for five years from the date of such conviction or of the finding of the Tribunal as the case may be, and a person reported by a tribunal to be guilty of any other corrupt practice shall be similarly disqualified for a period of three years from the date of the finding.

(4) If in respect of an election to the Assembly a return of the election expenses of any person who has been nominated as a candidate at that election is not lodged in the manner and within the time prescribed by or under this Regulation, or if any such return is lodged which is found either by a Tribunal holding an inquiry into the election, or by a Magistrate in a judicial proceeding to be false in any material particular, both the candidate and his election agent shall be disqualified for election for a period of five years from the date by which such return was required to be lodged;

Provided that where the disqualification imposed by this sub-section has arisen by reason only of a failure to lodge such return within the time prescribed, the disqualification shall not take effect until the expiration of one month or such longer period as Government may in any particular case allow from the date by which such return was required to be lodged.

(5) Government may by notification in the Jarida remove any disqualification imposed by sub-section (2), sub-section (3) or sub-section (4).

Eligibility for election

5. Any person not disqualified under section 4 shall be eligible for election by any constituency if his name is entered on the electoral roll of the constituency of any other constituency of the Assembly.

CHAPTER III.

ELECTIONS.

Nomination of candidates.

6. (1) Any person who is not disqualified under section 4 and is eligible under section 5 may be nominated as a candidate for election in a constituency:

Provided that a person for the time being serving a sentence of imprisonment for a criminal offence shall not be so nominated.

(2) The Election Commissioner shall appoint for each constituency—

(*a*) a date, not later than the fourteenth day after the date of the notification calling upon the constituency to elect, for the nomination of candidates;

(*b*) a further date, not later than the seventh day after the first-mentioned date, for the scrutiny of nominations;

(*c*) a further date or dates on which a poll shall, if necessary, be taken;

and the dates so appointed shall be notified in the constituency in the prescribed manner.

(3) On or before the date so appointed for the nomination of candidates, each candidate shall, either in person or by his proposer and seconder together, between the hours of 11 O'clock in the forenoon and 3 O'clock in the afternoon deliver to the Returning Officer or to such other preson as may be perscribed a nomination paper completed in the form set out in Schedule III and subscribed by the candidate himself as consenting to the nomination and by two persons as proposer and seconder whose names are registered on the electoral roll of the constituency.

(4) Any person whose name is registered on the electoral roll of the constituency and who is not subject to any disqualification stated in section 4 may subscribe, as proposer or seconder as many nomination papers as there are vacancies to be filled but no more.

(5) Every nomination paper delivered under sub-section (3) shall be accompanied by a declaration in writing subscribed by the candidate that the candidate has appointed or does thereby appoint as his election agent for the election either himself or some one other person who is not disqualified under this Regulation for the appointment and who shall be named in the declaration, and no candidate shall be deemed to be duly nominated unless such declaration is delivered along with the nomination paper.

(6) The nomination paper of a candidate declared therein to be a Muslim, Harijan or tribal shall also be accompanied by the prescribed certificate that he is a Muslim, Harijan or tribal, as the case may be, and save for the purposes of an election inquiry held under this Regulation the certificate shall be conclusive that the person to whom it relates is a Mulsim, Harijan or tribal, as the case may be.

(7) Any nomination paper which is not received before 3 O'clock in the afternoon on the date appointed by the Election Commissioner for the nomination of candidates shall be rejected.

(8) The Returning Officer or other perscribed person shall on receiving a nomination paper under sub-section (3) inform the person or persons delivering the same of the date, hour and place appointed for the scrutiny of nominations and shall enter in the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him and shall as soon as may be thereafter cause to be affixed in a conspicuous place in his office and in such other places, if any as may be prescribed a notice of the nomination containing descriptions similar to those contained in the nomination paper both of the candidates and persons who have subscribed as proposer and seconder.

(9) Any candidate may withdraw his candidature by a notice in writing signed by him and delivered to the Returning Officer or other prescribed person on or before 3 O'clock in the afternoon on the date appointed by the Election Commissioner for the scrutiny of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election.

(10) The Returning Officer or other prescribed person shall on receiving a notice of withdrawal under sub-section (9), as soon as may be, cause a notice of withdrawal to be affixed in some conspicuous place in his office and in such other places, if any, as may be prescribed.

Deposit on nomination.

7. (1) On or before the date appointed for the nomination of candidates each candidate shall deposit or cause to be deposited with Returning Officer a sum of Rs. 250, and no candidate shall be deemed to be duly nominated unless such deposit has been made.

(2) If a candidate by whom or on whose behalf the deposit referred in sub-section (1) has been made withdraws his candidature in the manner and within the time specified in sub-section (9) of section 6, or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made, and if any candidate dies before the commencement of poll any such deposit if made by him shall be returned to his legal representative, or if not made by the candidate shall be returned to the person by whom it was made.

(3) If a candidate by whom or on whose behalf the deposit referred to in sub-section (1) has been made is not elected and the number of votes polled by him does not exceed, in the case of a constituency returning one or two members one-eighth of the total number of votes polled, or in the case of a constituency returning more than two members one-eighth of the total number of votes divided by the number of members to be elected, the deposit shall be forfeited to Government.

(4) For the purposes of sub-section (3) the total number of votes polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers, counted.

(5) The deposit in respect of a candidate shall, if it is not forfeited under sub-section (3), be returned to the candidate or to the person by whom the deposit was made on his behalf, as the case may be, as soon as may be after the publication of the result of the election in the Jarida :

Provided that if a candidate is duly nominated in more than one constituency, not more than one of the deposits made by him or on his behalf shall be returned and the remainder shall be forfeited to the Government.

Death of candidate before poll.

8. If a candidate who has been duly nominated dies after the date appointed for the scrutiny of nominations and before the date appointed for the taking of a poll, the Returning Officer or other prescribed person shall upon being satisfied of the death of the candidate countermand the poll and report the fact to the Election Commissioner and all proceedings with respect to the election shall be commenced a new as if for a new election :

Provided that no fresh nomination shall be necessary in the case of a candidate who stood nominated at the time of the countermanding of the poll.

Procedure at election.

9. (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub-section (9) of section exceeds the number of members to be elected, a poll shall be taken :

Provided that if one or more seats are reserved seats and the number among such candidates of Muslims, Harijans or tribals is, equal to the number of seats reserved for Muslims, Harijans or

tribals, as the case may be, the Muslim, Harijan or tribal candidates, as the case may be, shall be declared to be duly elected and a poll shall only be taken if thereafter any vacancy remains to be filled.

(2) If the number of such candidates is equal to the number of vacancies all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of members to be elected all such candidates, if any, shall be declared to be duly elected, and Government shall by notification in the Jarida call upon the constituency to elect a person or persons, as the case may be, within such time as may be specified in the notification :

Provided that where the constituency, having already been called upon under this sub-section, has failed to elect a person or the requisite number of persons, as the case may be, to fill the vacancy or vacancies, Government shall not be bound again to call upon the constituency to elect a person or persons until such time, if any as it thinks fit.

(4) Votes shall be given by ballot and in person and no vote shall be received by proxy.

(5) In plural member constituencies every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate.

(6) An elector whose name is entered on the electoral roll for more than one constituency shall not at a general election vote in more than one constituency and if any such elector so votes all his ballot papers in all the constituencies concerned shall be rejected.

(7) Votes shall be counted by or under the supervision of the Returning Officer and each candidate, the election agent of each candidate and one representative of each candidate authorised in writing by the candidate shall have a right to be present at the time of counting.

(8) When the counting of votes has been completed the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes have been given to be elected :

Provided that if one or more seats are reserved the Returning Officer shall first declare to be elected the requisite number of Muslim, Harijan or Tribal candidates, as the case may be, to whom the largest number of votes have been given.

(9) Where an equality of votes is found to exist between any candidates and the addition of one vote will entitle a candidate to be declared elected the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

(10) The Returning Officer shall without delay report the result of the election to the Election Commissioner and the name or names of the candidate or candidates elected shall be published in the Jarida.

Rules.

10. Subject to the provisions of this Regulation, Government shall by notification in the Jarida make rules providing for the following matters, namely :—

(1) for the form and manner in and the conditions on which nominations may be made, and for the scrutiny of nominations.

(2) for the appointment of a Returning Officer for each constituency and for his powers and duties ;

(3) for the division of the constituencies into polling areas in such manner as to give all electors such reasonable facilities for voting as are practicable in the circumstances and for the appointment of polling stations for these areas ;

(4) for the appointment of officers to preside at polling stations, and for the duties of such officers ;

(5) for the checking of voters by reference to the electoral roll ;

(6) for the manner in which votes are to be given, and in particular for the case of illiterate voter or voters under physical or other disability;

(7) for the procedure to be followed in respect of tender of votes by persons representing themselves to be electors after other persons have voted as such electors ;

(8) for the scrutiny of votes;

(9) for the safe custody of ballot papers and other election papers, for the period for which such papers shall be preserved, and for the inspection and production of such papers ;

(10) for matters ancillary to any such matter as aforesaid ; and

(11) for any matter which is to be or may be prescribed and may make such other rules regarding the conduct of elections as it thinks fit.

Multiple elections.

11. (1) If any person is elected by more than one constituency he shall by notice in writing signed by him and delivered, to the Election Commissioner or to such person as the Election Commissioner may by notification in the Jarida authorise in that behalf, within 10 days from the date of publication in the Jarida of the last of the results of such election to be so published, choose for which of the constituencies he shall serve, and the choice shall be final.

(2) When any such choice has been made, Government shall by notification in the Jarida call upon any constituency or constituencies for which such person has not chosen to serve to elect another person or persons.

(3) If the person does not make the choice referred to in sub-section (1) within the time required by that section, all the elections of such person shall be void and Government shall call upon the constituency or constituencies to elect another person or persons.

Disqualification for being election agent.

12. No person shall be appointed an election agent who is himself disqualified for election under section 4.

Revocation of appointment of election agent.

13. (1) The appointment of an election agent, whether the election agent appointed be the candidate himself or not, may only be revoked in writing by document signed by the candidate and lodged with Returning Officer or other prescribed person and the revocation shall operate from the date on which the document is so lodged.

(2) In the event of such revocation or of the death of any election agent, whether such event occurs before, during or after the election, the candidate shall appoint forthwith another election agent and declare his name in writing to the Returning Officer or other prescribed person.

Return of election expenses.

14. (1) Within thirty-five days from the date of the publication of the result of an election under sub-section (10) of section 9, there shall be lodged with the Returning Officer in respect of each person who has been nominated as a candidate for the election, a return in such form as may be prescribed of the election expenses of such person containing the particulars specified in Schedule IV and signed both by the candidate and by his election agent.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent or by any person on behalf of the candidate or in his interests for expenses incurred on account of or in respect of the conduct and management of the election, and further a statement of all unpaid claims in respect of such expenses of which he or his election agent is aware.

(3) The return shall be accompanied by declarations by the candidate and his election agent which shall be in the form contained in the said Schedule and shall be made on oath or affirmation before a Magistrate.

(4) Notwithstanding anything hereinbefore contained, where a candidate is owing to absence from the Hyderabad State unable to sign the return of election expenses and to make the declaration within the period prescribed in this section, the return shall be signed and lodged by the election agent only and shall be accompanied by a declaration by the election agent under sub-section (3), and within fourteen days after the return of the candidate to the Hyderabad State he shall cause to be lodged with the Returning Officer a declaration made on oath or affirmation before a Magistrate in the special form for the purpose contained in the said Schedule.

(5) When any return and the declaration made in respect thereof have been lodged with the Returning Officer, the Returning Officer shall, as soon as may be, cause a notice of the date on which the return and declaration in question have been lodged, and of the time and place at which they can be inspected, to be fixed in some conspicuous place in his office and to be published in the Jarida, and any person shall, on payment of a fee of one rupee, be entitled to inspect any such return or declaration and, on payment of such fee, as may be prescribed to obtain a copy or copies thereof or of any part thereof.

(6) Government shall cause to be prepared in such manner, and maintained for such time, as it may direct a record showing the names of all candidates at every election under this Regulation and the name of the election agent of each such candidate and the date on which the return of election expenses of each candidate has been lodged with the Returning Officer.

Maximum Scales of election expenses.

15. The election expenses of any person who has been duly nominated as a candidate at an election in any constituency shall not exceed—

(1) the sum resulting from the multiplication of 3 pies by the number of electors in the constituency, or

(2) Rs. 6,000.

whichever is less.

Restriction on number of persons who may be employed for payment.

16. (1) No candidates shall employ for payment in connection with an election in any constituency more than—

(1) One election agent;

(2) One polling agent for each polling station;

(3) One clerk, one canvasser and one messenger for each polling station.

(2) The names of the persons to be employed as polling agents, clerks, canvassers, and messengers shall be reported by the candidate to the Returning Officer in writing not later than 3 o'clock in the afternoon of—

(*a*) the date appointed for the nomination of candidates; or

(*b*) the date of publication of the list of polling stations, whichever is later.

(3) No person for the time being disqualified for election by, or for entry in the electoral roll of, any constituency shall be employed for payment by any candidate at any election as a polling agent, clerk, canvasser or messenger.

Accounts of agent.

17. Every election agent shall for each election for which he is appointed as an election agent keep separate and regular books of account in which particulars of all expenditure of the nature referred to in section 14 shall be entered whether such expenditure is incurred by the candidate or by the election agent or by any person under the direction of the candidate or the election agent.

CHAPTER IV

Disqualifications of Members: Casual Vacancies; General Election.

Effect of subsequent disqualification.

18. If any person having been elected a member of the Assembly subsequently becomes subject to any of the disqualifications imposed by section 4, Government shall by notification in the Jarida declare his seat to be vacant :

Provided that where such disqualification arises by virtue of a conviction, or a conviction and a sentence, the seat of the member concerned shall not be declared vacant by reason of the disqualification until three months have elapsed from the date thereof, or if within those three months an appeal or petition for revision is brought in respect of the conviction or sentence until that appeal or petition is disposed of, but during any period during which his membership is preserved by this proviso, the member concerned shall not sit or vote.

Resignations and casual vacancies.

19. (1) A member of the Assembly may resign his seat by writing under his hand addressed to the Election Commissioner.

(2) If a vacancy occurs by reason of the resignation or death of a member or of an election being declared void or a seat being declared vacant, Government shall by notification in the Jarida call upon the constituency concerned to elect a person for the purposes of filling the vacancy within such time as may be prescribed by the notification.

Genera Elections

20. (1) As soon as conveniently may be after the commencement of this Regulation a general election to the Assembly shall be held.

(2) For this purpose Government shall by notification in the Jarida call upon the constituencies specified in Schedule I to elect members in accordance with this Regulation within such time as may be prescribed by the notification.

(3) As soon as may be after the expiration of the time fixed for the election of members at the general election the names of the members elected for the various constituencies shall be notified in the Jarida.

Powers in case of difficulty

21. If any difficulty arises as to the holding of any election under this Regulation, Government may by order do anything not inconsistent with this Regulation which appears to them to be necessary or expedient for the proper holding of the election.

CHAPTER V.

The Final Decision of Doubts and Disputes as to the Validity of an Election.

Definitions.

22. In this chapter, unless there is anything repugnant in the subject or context.—

(a) " agent " includes an election agent and any person who is held by the Tribunal to have acted as an agent in connection with an election with the knowledge or consent of the candidate;

(*b*) "candidate" means a person who has been nominated as a candidate at any election or who claims that he has been so nominated or that his nomination has been improperly refused, and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate at such election, provided that he is subsequently nominated as a candidate at such election ;

(*c*) "electoral right" means the right of a person to stand or not to stand as, or to withdraw from being a candidate, or to vote or refrain from voting at an election ; and

(*d*) "return candidate" means a candidate whose name has been published under this Regulation as duly elected.

The election petition.

23. Save as provided in section 18, no election shall be called in question except by an election petition presented in accordance with the provisions of this chapter.

Presentation of the petition.

24. An election petition against any returned candidate may be presented to the Military Governor—

(*a*) by any candidate or elector within fourteen days from the date on which the return of the election expenses of the returned candidate and the declarations referred to in section 14 are received by the Returning Officer ; or

(*b*) within thirty days from the date by an officer empowered by the Military Governor in this behalf on the ground that the election has not been a free election by reason of the large number of cases in which undue influence or bribery has been exercised or committed ; or

(*c*) on the ground that the returned candidate or his election agent or any other person acting with the connivance of the candidate or his election agent has been guilty of the offence of bribery undue influence or personation as defined in chapter IX-A of the Asafia Penal Code in respect of the election, by any candidate, or elector within fourteen days from the date on which such returned candidate election agent or other person is convicted of such offence.

(2) An election petition shall be deemed to have been presented to the Military Governor when it is delivered to the Military Governor or to any officer appointed by him in this behalf—

(*a*) by the person making the petition ; or

(*b*) by a person authorised in writing in this behalf by the person making the petition ; or

(*c*) by registered post.

(3) When the last day of the period for the presentation of an election petition under this section is a public holiday within the meaning of section 23 of the Negotiable Instruments Act, 1318 F., or has been notified by Government as a day to be observed as a holiday in Government offices, the petition shall be

deemed to have been received in due time if it is presented on the next succeeding day which is neither such a public holiday nor a day so notified.

(4) For the purposes of clause (*a*) of sub-section (1), the date on which the return of the election expenses and the declaration, referred to in section 14 are received by the Returning Officer shall in the case of a candidate who has made such return and declaration in the manner provided in sub-section (4) of that section be deemed to be the date on which the declaration of the candidate under that sub-section is received.

Contents of the petition.

25. (1) The petition shall contain a statement in concise form of the material facts on which the petitioner relies and shall, where necessary, be divided into paragraphs numbered consecutively. It shall be signed by the petitioner and verified in the manner prescribed for the verification of pleadings in the Code of Civil Procedure, 1323 Fasli.

(2) The petition shall be accompanied by a list signed and verified in like manner setting forth full particulars of any corrupt practice which the petitioner alleges, including as full a statement as possible as to the names of the parties alleged to have committed any currupt practice and the date and place of the commission of each such practice.

(3) The Tribunal may, upon such terms as to costs and otherwise as they may direct, at any time, allow the particulars included in the said list to be amended or order such further and better particulars in regard to any matter referred to therein to be furnished as may, in their opinion, be necessary for the purpose of ensuring a fair and effectual trail of the petition.

Against whom it may be presented.

26. The petitioner may, if he so desires, in addition to calling in question the election of the returned candidate, claim a declaration that he himself or any other candidate has been duly elected; in which case he shall join as respondents to his petition all other candidates who were nominated at the election.

Deposit of security.

27. At the time of presentation of the petition, the petitioner shall, except where the petition is presented under clause (*b*) of sub-section (1) of section 24, deposit with it the sum of one thousand rupees as security for the costs of the same.

Dismissal for default.

28. (1) If the provisions of section 24, section 25 or section 27 are not complied with, the Military Governor shall dismiss the petition.

(2) If the petition is not dismissed under sub-section (1)—

Appointment of Election Tribunal.

(*a*) The Military Governor shall appoint an Election tribunal for the trial of the petition consisting of three persons who are or have been, or are eligible to be appointed Judges of the High Court and shall appoint one of them to be the President, and thereafter all applications and proceedings in connection therewith shall be dealt with and held by such Election Tribunal.

(*b*) the President of the Tribunal staff, as soon as may be, cause a copy of the petition to be served on each respondent and to be published in the Jarida, and may call on the petitioner to execute a bond in such amount and with such sureties as he may require for the payment of any further costs. At any time within fourteen days after such publication, any other candidate shall be entitled to be joined as a respondent on giving security in a like amount and procuring the execution of a like bond :

Provided that the execution of such a bond by the petitioner shall not be required in any case where the petition has been presented under clause (*b*) of sub-section (1) of Section 24.

(3) When in respect of an election in a constituency more petition than one are presented, the Military Governor shall refer all such petitions to the same Tribunal, who may at its discretion inquire into the petition either in one or in more proceedings as it thinks fit.

(4) If the services of any of the members of the Tribunal are not available for the purposes of the inquiry, or if, during the course of the inquiry, any member of the Tribunal is unable to continue to attend the same, the Military Governor shall appoint another member and the inquiry shall recommence before the Tribunal as so reconstituted :

Provided that the members of the Tribunal may direct that any evidence already recorded may remain upon the record, in which case it shall not be necessary to re-examine those witnesses who have already been examined and discharged.

(5) Nothing in this section shall be deemed to prevent the appointment of the President of the Tribunal before the other members of the Tribunal are appointed and if the President is so appointed, all references to the members of the Tribunal shall in these sections in respect of any matter which may be or is to be done before the commencement of the enquiry, be deemed to be references to the President.

Inquiry by Tribunal.

29. Subject to the provisions of this chapter every election petition shall be inquired into by the Tribunal, as nearly as may be in accordance with the procedure applicable under the Hyderabad Civil Procedure Code 1323 F., to the trial of suits :

Provided that it shall only be necessary for the Tribunal to make a memorandum of the substance of the evidence of any witness examined by them.

Place of inquiry.

30. The inquiry shall be held at such place as the Military Governor may appoint :

Provided that the Tribunal may, in its discretion, sit for any part of the inquiry at any other place situated within the constituency in question, and may depute any one of its members to take evidence at any place in the State.

Withdrawal of petition.

31. (1) An election petition may be withdrawn only by leave of the Tribunal or, if an application for withdrawal is made before the Tribunal is appointed, of the Military Governor.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Tribunal, notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Jarida.

(4) No application for withdrawal shall be granted if, in the opinion of the Military Governor or of the Tribunal, as the case may be, such application has been induced by any bargain or consideration which ought not to be allowed.

(5) If the application is granted—

(*a*) the petitioner shall, where the application has been made to the Tribunal, be ordered to pay the costs of the respondent theretofore incurred or such portion thereof as the Tribunal may think fit;

(*b*) notice of the withdrawal shall be published in the Jarida by the Military Governor or by the Tribunal as the case may be; and

(*c*) any person who might himself have been a petitioner may within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing and, upon compliance with the conditions of section 27 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Tribunal may think fit.

Abatement or substitution on death of petitioner

32. (1) An election petition shall abate only on the death of the sole petitioner or of the survivor of several petitioners:

Provided that, where such sole petitioner was an officer empowered under clause (*b*) of sub-section (1) of section 24, the proceedings may be continued by any other officer empowered in this behalf by the Military Governor.

(2) Notice of the abatement of an election petition shall be published in the Jarida by the Tribunal or if the petition abates before a Tribunal has been appointed by the Military Governor.

(3) Any person who might himself have been a petitiones may, within fourteen days of such publication, apply to be substituted as petitioner, and upon compliance with the conditions of section 27 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Tribunal may think fit.

Abatement or subsitution on death of respondent.

33. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition, the Tribunal shall cause notice of such event to be published in the Jarida, and thereupon any person

who might have been a petitioner may, within fourteen days of such publication, apply to be substituted for such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Tribunal may think fit.

Recrimination when seat claimed.

34. (1) Where at an inquiry into an election petition any candidate, other than the returned candidate, claims the seat for himself, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented complaining of his election:

Provided that the returned candidate or such other party as aforesaid shall not be entitled to give such evidence unless he has, within fourteen days from the date of the publication of the election petition under clause (*b*) of sub-section (2) of section 28, given notice of his intention to the Tribunal and made the deposit and procured the execution of the bond referred to in sections 27 and 28 respectively.

(2) Every notice referred to in sub-section (1) shall be accompanied by the statement and list of particulars required by section 25 in the case of an election petition and shall be signed and verified in like manner.

Attendence of Law Officers.

35. When at an inquiry into an election Petition the Tribunal, so orders, the Advocate General or some person acting under his instructions shall attend and take such part therein as the tribunal may direct.

Explanation.—The expression "Advocate-General' includes also a Government Advocate, or, where there is no Advocate-General or Government Advocate, such other officer as the local Government may appoint in this behalf.

Grounds for declaring election void.

36. (1) Save as hereinafter provided in this section, if, in the opinion of the Tribunal,—

(*a*) the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by a corrupt practice, or

(*b*) any corrupt practice specified in Part I of Schedule V has been committed, or

(*c*) the result of the election has been materially affected by the improper acceptance or refusal of any nomination or by the improper reception or refusal of a vote or the reception of any vote which is void or by any non-compliance with the provisions of this Regulation or of the rules made thereunder or by any mistake in the use of any prescribed form, or

(*d*) the election has not been a free election by reason of the large number of cases in which undue influence or bribery, within the meaning of Schedule V has been exercised or committed,

the election of the returned candidate shall be void.

(2) If the Tribunal reports that a returned candidate has been guilty by an agent (other than his election agent) of any corrupt practice specified in Part 1 of Schedule V, which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Tribunal further reports that the candidate has satisfied if that—

(*a*) no corrupt practice was committed at such election by the candidate or his election agent, and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent, and

(*b*) such candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at such election, and

(*c*) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character, and

(*d*) in all other respects the election was free from any corrupt practice on the part of such candidate or any of his agents, then the Tribunal may find that the election of such candidate is not void.

Explanation.—For the purpose of this sub-section "treating" means the incurring in whole or in part, by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object, directly or indirectly of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

Report of the Tribunal and procedure thereon.

37. (1) At the conclusion of the inquiry, the Tribunal shall report whether the returned candidate, or any other party to the petition who has, under the provisions of these sections, claimed the seat, has been duly elected, and in so reporting shall have regard to the provisions of section 36.

(2) The report shall further include a recommendation by the Tribunal as to the total amount of costs which are payable and the persons by and to whom such costs should be paid. Such recommendation may include a recommendation for the payment to the Advocate General or a person acting under his instructions, attending in pursuance of an order made under section 35, of costs in respect of that attendance, but shall not include a recommendation for the payment of costs in respect of any other Government expenditure in connection with the inquiry.

(3) The report shall be in writing and shall be signed by the Tribunal. The Tribunal shall forthwith forward its report to the Military Governor who, on receipt thereof, shall issue orders in accordance with the report and publish the report in the Jarida, and the orders of the Military Governor shall be final.

From of report.

38. If either in its report or upon any other matter there is a difference of opinion among the members of the Tribunal, the opinion of the majority shall prevail, and their report shall be expressed in the terms of the views of the majority.

Finding as to corrupt practices and persons guilty thereof.

39. Where any charge is made in an election petition of any corrupt practice, the Tribunal shall record in its report;

(*a*) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or his agent, or with the connivance of any candidate or his agent, and the nature of such corrupt practice; and

(*b*) the names of all persons (if any) who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as they may desire to make for the exemption of any such persons from any disqualifications they may have incurred in this connection under Chapter IV of this Regulation:

Provided that no person shall be so named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

SCHEDULE 1.

[*Section* 3 (1) *and* (2)].

Name of Constituency.	No. of members.	No. of seats reserved for Muslim community.	No. of seats reserved for Harijans.	No. of seats reserved for Tribals.
1	2	3	4	5
Hyderabad City, Secunderabad Townand Cantonment				
Darulshafa	2	1	..	..
Chowk	1	1	..	..
Chaderghat	3	1	1	..
Jubilee Hills	2	1	..	..
Secunderabad Town ..	1	*..	..	..
Secunderabad Cantonment	1	..	..	..
Adilabad. ..				
Kinwat	1	..	..	..
Boath	1	..	..	..
Adilabad	2	..	..	1
Nirmal	2	1	..	1
Chinnur	2	..	1	..
Asifabad ..	2	..	1	..
Aurangabad.				
Vaijapur	1	..	..	..
Gangapur	1	..	..	..
Aurangabad	2	1	..	..
Kannad	1	..	..	..
Bhokardan	2	..	1	..
Jalna	2	1	..	..
Ranjani	1	..	..	..
Paithan	2	..	1	..
Sillod	1	..	..	..
Bidar.				
Ahmadpur	1	..	..	..
Udgir	2	..	1	..
Bhalki	2	..	1	..
Narayankhed	1	..	..	..

*Figure " 1 " in column 3 was deleted by Regulation No. XVII of 1950. published in the Extraordinary Jarida No. 25, dated 4th January 1950.

SCHEDULE 1.—(*Contd.*)

[*Section* 3 (1) *and* (2)]

1	2	3	4	5
Bidar—(Contd.)	2	1	..	..
Nilanga	1	..	..	..
Kalyani	2	..	1	..
Zahirabad	2	1	..	..
Bhir.				
Ashti	1	..	..	..
Patoda	1	..	..	..
Bhir	2	1	..	..
Georai	1	..	..	..
Manjlegaon	1	..	..	..
Dindrood	1	..	..	..
Mominabad	2	..	1	..
Gulbarga.				
Aland	1	..	..	..
Gulbarga	3	1	1	..
Shahabad	1	..	..	..
Chincholi	1	..	..	..
Kodangal	2	..	1	..
Sedam	2	1	..	..
Yadgir	3	1	1	..
Shorapur	1	..	..	..
Kakkeri	1	..	..	..
Jevargi	1	..	..	..
Hyderabad.				
Medchal	1	..	..	..
Ibrahimpatnam	2	..	1	..
Dharur	3	1	1	..
Karimnagar.				
Karimnagar	3	1	1	..
Jagtial	1	..	..	..
Malyala	2	..	1	..
Sultanabad	2	..	1	..
Dharmapuri	1	..	..	..
Manthani	1	..	..	..
Mugulapalli	1	..	..	..
Parkal	1	..	..	..
Huzurabad	1	..	..	..
Jammikunta	1	..	..	..
Gambhiraopet	1	..	..	..
Rudrangi	1	..	..	..
Sirsilla	1	..	..	..

SCHEDULE 1.—(*Contd.*)

[*Section* 3 (1) *and* (2)]

1	2	3	4	5
Mahboobnagar.				
Kalvakurthi	2	..	1	..
Mahboobnagar	3	1	1	..
Pargi	2	..	1	..
Narayanapet	1	..	..	..
Makthal	1	..	..	..
Kothakota	1	..	..	..
Wanaparthi	1	..	..	..
Amarabad	1	..	..	..
Jetprole	1	..	..	..
Nagarkarnool	1	..	..	..
Medak.				
Sangareddy	2	1	..	..
Andole	2	..	1	..
Yellareddy	1	..	..	..
Medak	1	..	..	..
Dubbak	1	..	..	..
Siddipet	2	..	1	..
Nalgonda.				
Jangaon	3	1	1	..
Alir	1	..	..	..
Bhongir	1	..	..	..
Ramannapet	1	..	..	..
Nagaram	2	..	1	..
Nalgonda	3	..	1	..
Kodad	1	..	..	..
Huzurnagar	1	..	..	..
Miryalguda	1	..	..	..
Devarkonda	1	..	..	..
Dindi	1	..	..	..
Nanded.				
Nanded	2	1	..	..
Hadgaon	1	..	..	..
Mudhol	2	..	1	..
Billoli	2	..	1	..
Mukharamabad	1	..	..	..
Kandhar	1	..	..	..
Mukhed	1	..	..	..
Nizamabad.				
Nizamabad	2	1	..	..
Armoor	2	..	1	..
Kamareddy	1	..	..	..
Bibipet	1	..	..	..
Banswada	1	..	..	..
Bodhan	1	..	..	..

SCHEDULE 1.—(*Contd.*)

[*Section* 3 (1) *and* (2)]

1	2	3	4	5
Osmanabad.				
Parenda	1	..	..	..
Kalam	2	..	1	..
Lohara	1	..	..	..
Gunjoti	1	..	..	..
Tuljapur	2	..	1	..
Latur	2	1	..	..
Parbhani				
Hingoli	1	..	..	..
Goregaon	1	..	..	..
Kalamnuri	1	..	..	..
Basmath	1	..	..	..
Jintur	2	..	1	..
Parbhani	2	1	..	..
Pathri	2	..	1	..
Palem	1	..	..	..
Raichur				
Gadwal	2	..	1	..
Raichur	3	1	1	..
Sindhnur	1	..	..	..
Manvi	2	1	..	..
Maski	1	..	..	..
Kushtagi	1	..	..	..
Yelbarga	1	..	..	..
Gangavati	1	..	..	..
Koppal	1	..	..	..
Warangal				
Warangal	3	1	1	..
Ghanpur	2	..	1	..
Pakhal	1	..	..	..
Mulug	1	..	..	..
Yellendu	2	..	..	..
Madira	1	..	..	..
Chandrakonda	1	..	..	..
Khammamet	1	..	..	..
Chintakani	1	..	..	..
Mahboobabad	1	..	..	..
Dornakal	1	..	..	..
Yellampet	1	..	..	..

SCHEDULE II.

[*Section* 2 (1) (*c*) & (*f*)]

PART I.—HARIJANS.

1. Adi Andhra.
2. Adi Dravida.
3. Adi Karnataka.
4. Anamuk.
5. Atar.
6. Budhuk.
7. Begari.
8. Bagalu.
9. Balasanthanum.
10. Bantu.
11. Bathini.
12. Bindli.
13. Chambar.
14. Chintala.
15. Dhor.
16. Dher.
17. Dokkalwar.
18. Elamalwar.
19. Garodi.
20. Gangani.
21. Katipamula.
22. Mala.
23. Mahar.
24. Mochi.
25. Mang.
26. Madiga.
27. Mehtar.
28. Malakannai.
29. Malajangam.
30. Manne.
31. Masti.
32. Mala Masti.
33. Mala Sanyasi.
34. Mathura.
35. Mondiwar.
36. Naikapu.
37. Pachabhotla.
38. Padampari.
39. Parmula.
40. Sangari.
41. Sore.
42. Sindhi.
43. Sare.
44. Sunna.

PART II.—TRIBES.

1. Andh.
2. Bhil.
3. Chenchu or Chanchwar.
4. Erkala or Yerukala (including Korvi or Korwa).
5. Gawari.
6. Oond (including Gond and Naikpod and Raj Gond).
7. Hill Reddy.
8. Kolam or Mannervarlu.
9. Koli.
10. Koya (including Bhine Koya and Raj Koya or Racha Koya).
11. Pardhi.
12. Pardhan.
13. Baiga.
14. Dyandra.
15. Vanadi.
16. Tothi.

SCHEDULE III.

FORM OF NOMINATION PAPER.

[*Section* 6 (3)]

Name of the constituency for which the candidate is nominated——————————

Name of candidate——————————

Father's ——————Name——————————

*Husband's

Age——————————

Sex——————————

Address——————————

Denomination (State whether General Harijan, Muslim or Tribal)——————————

Constituency on the electoral roll of which the candidate is registered as an elector——————————

No. of candidate in above electoral roll——————————

Name of proposer——————————

No. of proposer in the electoral roll——————————

Signature of proposer——————————

Name of seconder——————————

No. of seconder in the electoral rolls——————————

Signature of seconder——————————

*To be filled in only if the candidate is a married woman or a widow.

DECLARATION BY CANDIDATE.

I hereby declare that I agree to this nomination and that I have appointed——————————to be my election agent.

Date—————— *Signature of the candidate*——

CERTIFICATE OF DELIVERY.

Serial No.——————

This nomination paper was delivered to me at my office at——————a.m./p.m.——on the——————19 .

Returning Officer or other authorised person.

CERTIFICATE OF SCRUTINY.

I have scrutinised the eligibility of the candidate, the proposer and seconder, and find that they are, respectively qualified to stand for election and to propose and second the nomination.

*The candidate is qualified to be elected to fill the seat required to be filled by a Harijan/Muslim/Tribal.

The symbol assigned to the candidate is----------

Date----------*Returning Officer or other authorised person.*

(REVERSE OF NOMINATION PAPER)

I hereby certify that the following is a true copy of an entry contained in the electoral roll for the----------polling station in the ----------constituency as amended after the disposal of all claims and objections relating to the electoral area under which the said entry occurs :—

Serial No.	Name of elector (with father's or husband's name, where necessary) and address.	Qualification.
1	2	3

Form of certificate to accompany the nomination paper of a candidate in any constituency in which a seat is reserved. The certificate must be signed by a gazetted officer.

I hereby certify that----------, son of---------- ----residing at----------, is a Harijan /a Muslim/a member of the Tribal Class.

N. B.—This nomination paper will not be valid unless it is delivered to the Returning Officer (or other person required or authorised to receive it) at his office befor 3 p.m. on the date fixed for the nomination of candidates.

* To be filled in only in the case of a constituency in which a seat is reserved for Harijans, Muslims or Tribals, and in such constituency only in the case of a candidate who has declared his denomination as Harijan, Muslim or Tribal, as the case may be (a candidate for a reserved seat). Also, in such a case the words which are, inapplicable should, be struck out.

SCHEDULE IV.

RETURN OF ELECTION EXPENSES.

[*Section* 14 (1)].

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security or equivalent of money was received in respect of expenses incurred on account of, or in connection with, or incidental to the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure, there shall be shown :—

(*a*) the personal expenditure of the candidate incurred or paid by him or his election agent, including travelling and all other personal expenses incurred in connection with his candidature.

(*b*) the name, and the rate and total amount of the pay of each person employed as an agent (including the election agent), clerk or messenger ;

(*c*) the travelling expenses and any other expenses incurred by the candidate of his election agent on account of agents (including the election agent), clerks or messengers ;

(*d*) the travelling expenses of persons, whether in receipt of salary or not, incurred in connection with the candidature and whether paid or incurred by the candidate, his election agent or the persons so travelling ;

(*e*) the cost whether paid or incurred of :—

(*i*) printing ;

(*ii*) advertising ;

(*iii*) stationary ;

(*iv*) postage ;

(*v*) telegrams ; and

(*vi*) rooms hired either for public meeting or ascommittee rooms ;

(*f*) any other miscellaneous expenses whether paid or incurred.

3. The form of the declaration referred to in sub-section (3) of section 14 shall be as follows :—

FORM OF DECLARATION BY ELECTION AGENT.

I,————————————being the appointed election agent, for————————————a candidate for election in the————————————constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that except the expenses herein set forth no expenses of any nature whatsoever have to my knowledge and belief been incurred in, or for the purpose of————————————'s candidature.

————————————

Election Agent.

Solemnly affirmed before me.

————————————

Magistrate.

FORM OF DECLARATION BY CANDIDATE.

I, ——————————————being a candidate for election in the ——————————constituency, do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth no expenses of any nature whatsoever have to my knowledge or belief been incurred in or for the purpose of my candidature.

———————————
Candidate.

Solemnly affirmed before me.

———————————
Magistrate.

4. The special form of declaration to be made under sub-section (4) of section 14 by a candidate who owing to absence from India was unable to sign the return of election expenses and to make the required declaration shall be as follows :

SPECIAL FORM OF DECLARATION BY A CANDIDATE UNDER SECTION 14 (4).

I, ——————————————being a candidate for election in the ——————————constituency, do hereby solemnly affirm that the return of election expenses signed by my election agent is (with the exceptions noted below) true to the best of my knowledge and belief, and that (with the exception noted below) no expenses of any nature whatsoever other than the expenses therein set forth have to my knowledge and belief been incurred in, for the purposes of, my candidature.

PARTICULARS OF EXCEPTIONS.

(1)
(2)
(3) etc., etc.

(Sd.) ———————————
Candidate.

Solemnly affirmed before me.

(Sd.) ———————————
Magistrate.

Note :—(1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent, or any other person, or remaining unpaid on the date of the return are to be set out.

(2) For all items of Rs. 5 and over, unless from the nature of the case (*e.g.*, travel by rail or postage), a receipt is not obtainable, vouchers are to be attached.

(3) All sums paid but for which no receipt is attached are to be set out in detail with dates of payment.

(4) All sums unpaid are to be set out in a separate list.

SCHEDULE V.

CORRUPT PRACTICES.

[*Sections* 4 (3), 25, 36 *and* 39].

PART I.

1. Bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, of any gratification to any person whomsoever, with the object, directly or indirectly, of inducing :—

(*a*) a person to stand or not to stand as, or to withdraw from being, a candidate at an election ;

(*b*) an elector to vote or refrain from voting at an election ; or as a reward to—

(*i*) a person for having so stood or not stood, or for having withdrawn his candidature ; or

(*ii*) an elector for having voted or refrained from voting.

For the purpose ot this paragraph the term " gratification " is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all form for entertainment and all forms of employment of reward ; but it does not include the payment of any expense *bona fide* incurred in, or for the purpose of, any election, and duly entered in the return of election expenses prescribed by these sections.

2. Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right ;

Explanation I.—Without prejudice to the generality of the provisions of this paragraph, any such person as is referred to therein who—

(*i*) threatens any candidate or elector, or any person in whom a candidate or elector is interested, with any injury of any kind ; or

(*ii*) induces or attempts to induce a candidate or elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure ;

shall be deemed to interfere with the free exercise of the electoral right of that candidate or elector within the meaning of this paragraph.

Explanation II.—A declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this paragraph.

3. The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a voting paper in the name of any other person, whether living or dead or in a fictitious name, or by a person for a voting paper in his own name, when, by reason of the fact that he has already voted in the same or some other constituency he is not entitled to vote,

4. The removal of a voting paper from the polling station during polling hours by any person with the connivance of a candidate or his agent.

5. The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

6. The incurring or authorising by a candidate or his agent of expenditure, or the employment of any person by a candidate or his agent, in contravention of the provision of section 15 or section 16.

PART II.

1. Any act specified in Part I of this Schedule, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

2. The application by a person at an election for a voting paper in the name of any other person, whether living or dead, or in a fictitious name, or for a voting paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

3. The receipt of, or agreement to receive, any gratification whether as a motive or a reward—

(*a*) by a person for standing or not standing as, or for withdrawing from being, a candidate ; or

(*b*) by any person whosoever for himself or any other person for voting or refraining from voting or for inducing or attempting to induce any elector to vote or refrain from voting, or any candidate to withdraw his candidature.

For the purposes of this paragraph the term " gratification " has the same meaning as it has for the purposes of paragraph I of Part I of this Schedule.

4. Any payment or promise of payment to any person whomsoever on account of the conveyance of any elector to or from any place for the purpose of recording his vote.

5. The hiring, employment, borrowing or using for the purpose of the election of any vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire :

Provided that any elector may hire any vehicle or animal, or use any vehicle or animal which is his own property to convey himself to or from the place where the vote is recorded.

6. The making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

PART III.

1. The incurring or authorisation by any person other than a candidate or his agent, of expenses on account of holding any public meeting, or upon any advertisement, circular or publication or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate.

2. The hiring, using or letting, as a committee room or for the purpose of any meeting to which electors are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

3. The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.